

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

IN RE:

APPLICATION OF MAURICIO MOTA  
FOR AN ORDER TO TAKE DISCOVERY  
FOR USE IN FOREIGN PROCEEDINGS  
PURSUANT TO 28 U.S.C. § 1782

No. 1:19-mc-00369-MN

**STIPULATION AND ORDER FOR INTERVENTION AND SETTING A BRIEFING  
SCHEDULE FOR MOTION TO OPPOSE, VACATE, AND/OR QUASH SUBPOENA**

WHEREAS, on December 27, 2019, Petitioner Mauricio Mota (“Petitioner”) filed an *ex parte* application for an order to take discovery from Colorado Investment Holdings LLC (“Respondent”), for use in a foreign proceeding pursuant to 28 U.S.C. § 1782 (“Application”),

WHEREAS, the Application seeks discovery for use in foreign proceedings against or relating to Wesley Mendonça Batista, Joesley Mendonça Batista, J&F Investimentos S.A., JBS S.A., and Pinheiros Fundo De Investimento Em Participações (collectively, “Proposed Intervenor”),

WHEREAS, on January 8, 2020, this Court issued an order granting Petitioner’s Application (“Order”), ECF 7,

WHEREAS, on January 9, 2020, Respondent was served with the Subpoena,

WHEREAS, Proposed Intervenor are not presently parties to this action and seek to intervene in this action to move to oppose, vacate the Order, and/or to quash subpoenas issued pursuant to such Order, and Petitioner does not oppose such intervention,

WHEREAS, Proposed Intervenor satisfy the criteria for intervention pursuant to Federal Rule of Civil Procedure 24,

IT IS HEREBY STIPULATED AND AGREED by Petitioner and Proposed Intervenor

that:

1. Proposed Intervenors be allowed to intervene in this action;
2. Proposed Intervenors and Petitioner shall abide by the following briefing schedule with respect to Proposed Intervenors' anticipated motion to oppose, vacate the Order, and/or to quash subpoenas issued pursuant to the Order:
  - **March 7, 2020:** Deadline for Proposed Intervenors to file motion to oppose, vacate, and/or quash.
  - **April 30, 2020:** Deadline for Petitioner to file its opposition.
  - **May 21, 2020:** Deadline for Proposed Intervenors to file their reply.
3. Petitioner agrees to stay enforcement of and all activities related to the subpoena issued pursuant to the Court's Order to Respondent pending resolution of Proposed Intervenors' anticipated motion to oppose, vacate and/or quash; and
4. The parties hereto reserve all their rights with respect to the contemplated motion to vacate and/or to quash.

Dated: February 4, 2020

MACAULEY LLC

/s/ Thomas G. Macauley

Thomas G. Macauley  
300 Delaware Avenue, Suite 1018  
Wilmington, DE 19801-1607  
(302) 656-0100  
tm@macdelaw.com

OF COUNSEL:

William J. Hine  
Sevan Ogulluk  
Brian W. Hine  
Hine & Ogulluk  
30 Wall Street, 8<sup>th</sup> Floor  
New York, NY 10005  
wjhine@hineogulluk.com  
sogulluk@hineogulluk.com  
bwhine@hineogulluk.com

*Attorneys for Petitioner Mauricio Mota*

MORRIS, NICHOLS, ARSHT  
& TUNNELL LLP

/s/ Kenneth J. Nachbar

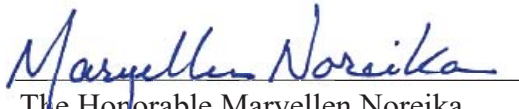
Kenneth J. Nachbar (#2067)  
Thomas P. Will (#6086)  
1201 N. Market Street, 16th Floor  
Wilmington, DE 19801  
(302) 658-9200  
knachbar@mnat.com  
twill@mnat.com

OF COUNSEL:

Michael B. Carlinsky (*pro hac vice*  
forthcoming)  
Lucas V.M. Bento (*pro hac vice* forthcoming)  
Alexander P. Wentworth-Ping (*pro hac vice*  
forthcoming)  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 MADISON AVENUE, FLOOR 22  
NEW YORK, NY 10010  
(212) 849-7000  
michaelcarlinsky@quinnemanuel.com  
lucasbento@quinnemanuel.com  
alexwentorthping@quinnemanuel.com

*Attorneys for Intervenors Wesley Mendonça  
Batista, Joesley Mendonça Batista, J&F  
Investimentos S.A., JBS S.A, and Pinheiros  
Fundo De Investimento Em Participações*

SO ORDERED this 4th day of February, 2020.

  
The Honorable Maryellen Noreika  
United States District Judge